



EUS/J/P/05-6115

RECEIVED
CENTRAL FAX CENTER

July 7, 2005

JUL 07 2005

VIA FACSIMILE (703) 872-9306

Attention: Anthony T. Ton
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for First class or Express mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, Group An Unit 2661, (703) 872-9306 on the date indicated below.

Date: July 7, 2004

Name: Melissa Wingo

Signature: Melissa Wingo

Re: Patent Application for:
"Combining Narrowband Applications With Broadband Transport"
Serial No. 09/764,622
Attorney Docket No. P12683/27943-00397USP1

Dear Sir or Madam:

Enclosed for filing please find the following items relating to the above-identified application:

- (1) PTO/SB/26 (09-04) (1 page)
- (2) Terminal Disclaimer (3 pages)

There is no additional fee for this filing. The commissioner is hereby authorized to charge payment of any additional filing fees required associated with this communication or credit any overpayment to Deposit Account No. 50-1379.

If you have any questions or comments concerning this matter, please feel free to contact the undersigned at 972-583-7686.

Sincerely,


John C. Han
Associate General Counsel-IPR

JCH/mw

RECEIVED
OIPER/AP

JUL 11 2005

JUL 07 2005

PTO/SB/26 (09-04)
Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
P12683US1

In re Application of: Magnus Hallenstal, et al

Application No.: 09/784,622

Filed: July 7, 2005

For: Combining Narrowband Applications With Broadband Transport

The owner, Telefonaktiebolaget LM Ericsson (publ), of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,775,266 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

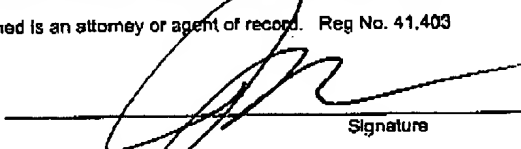
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg No. 41,403



 Signature
 John C. Han
 Ericsson Inc.
 6300 Legacy Drive, MS/EVR-1-C-11
 Plano, Texas 75024

July 7, 2005

 Date

(972) 583-7886

 Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is \$ 130.00 and is to be charged to Deposit Account No. 50-1379

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appl. No. 09/764,622
Attorney Docket No. P12683/27943-00397USP1
EUS/J/P/05-6115

RECEIVED
CENTRAL FAX CENTER

JUL 07 2005

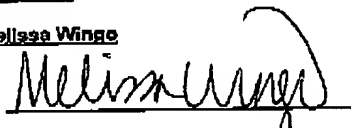
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Magnus Hallenstal, et al	§	Group Art Unit:	2661
		§		
Serial No:	09/764,622	§	Examiner:	Ton, Anthony T.
		§		
Filed:	January 17, 2001	§	Confirmation No:	7869
		§		
Attorney Docket No: P12683/27943-00397USP1				
Customer No.: 27045				

For: Combining Narrowband Applications With Broadband Transport

VIA FACSIMILE (703) 872-9306

Attention: Anthony T. Ton
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p><u>CERTIFICATE OF MAILING OR TRANSMISSION</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for First class or Express mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO at (703) <u>872-9306</u> on the date indicated below.</p> <p>Date: <u>July 7, 2005</u></p> <p>Name: <u>Melissa Wingo</u></p> <p>Signature: </p>
--

Dear Examiner:

TERMINAL DISCLAIMER

In response to a telephone conference with Examiner Brian Nguyen on July 7, 2005, the Applicants submit the following terminal disclaimer.

1.) Remarks/Arguments begin on page 2 of this paper.